

**AMENDMENTS TO THE SPECIFICATION**

***Please replace paragraph [Para 22] with the following amended paragraph:***

[Para 22] The process for making a fin 340 in a finFET device according to an embodiment of the invention, and the role played by the protection layer 30 ~~360~~, will now be described in greater detail with reference to FIGS. 4-9. While the process will be described with reference to a gate in a finFET device, it is understood that the process may be used with other devices as well.